



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,369	01/26/2001	Joseph Goldenburg	4450-0398P	7923
2292	7590	04/27/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			PRASAD, CHANDRIKA	
			ART UNIT	PAPER NUMBER
			2839	

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/770,369	GOLDENBURG ET AL.	
	Examiner	Art Unit	
	Chandrika Prasad	2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/26/04 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 19 and 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Duncan et al. (6459517).

Duncan (Figures 1-40) shows an apparatus for attenuating electromagnetic interference (EMF) having a conductive faceplate 46 with an opening 48 and a rectangular removable faceplate extension 12 with an unthreaded interior surface extending outwardly from the faceplate and around the opening in the faceplate and a

Art Unit: 2839

transceiver 26 is provided adjacent the faceplate opening to communicate with a connector for an optical fiber 34. The extension has slits on the sides

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan et al. in view of Duncan et al. (6459517).

Duncan shows all the features of this claim as described in Paragraph 3 above except the material of the faceplate extension to be aluminum alloy. The use of aluminum alloy is well known in the art of optical fiber connectors. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to make the Duncan's faceplate extension of aluminum alloy because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. In re Leshin, 125 USPQ 416.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan et al.

Duncan et al. shows all the features of this claim as described in Paragraph 3 above except the faceplate extension to project at least 0.2 inches from the faceplate. The instant invention does not provide any specific problem to be solved by making the faceplate projection at least 0.2 inches. It would have been obvious to one having

Art Unit: 2839

ordinary skill in the art at the time of the instant invention to make faceplate projection at least 0.2 inches because a change in size is generally recognized within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan et al..

Duncan et al. shows all the features of this claim as described in Paragraph 3 above except the faceplate extension to be circular. The instant invention does not provide any specific problem to be solved by making the faceplate projection circular. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to make faceplate projection circular because a change in shape is generally recognized within the level of ordinary skill in the art.

8. Claims 9-12, 13, 17-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan et al. in view of Sikorski, Jr..

Duncan et al. shows all the features of these claims as described in Paragraph 3 except a plurality of openings in the faceplate and a plurality of faceplate extensions. Sikorski shows a plurality of openings 22 in the faceplate 20. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide a plurality of openings in the Duncan et al.'s faceplate and to use a plurality of faceplate extensions because this would require a mere duplication of an essential part involving only routine skill in the art. St. Regis Paper Co. v Bemis Co, 193 USPQ 8.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan et al. in view of Sikorski, Jr.

Art Unit: 2839

Duncan et al. and Sikorski show all the features of this claim as described in Paragraphs 3, 5 and 8 above.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan et al. in view of Sikorski, Jr.

Duncan et al. and Sikorski show all the features of this claim as described in Paragraphs 3, 6 and 8 above.

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan et al. in view of Sikorski, Jr.

Duncan et al. and Sikorski show all the features of this claim as described in Paragraphs 3, 7 and 8 above.

Response to Arguments

12. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Medina et al. (200100533624), Poplawski et al. (6267606), Stickney (6713672) and Noble (6358079).

Contact Information

14. Any correspondence to this action may be mailed to:

**Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

Art Unit: 2839

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad whose telephone number is (571) 272-2099.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached at (571) 272-2800 ext 39. The fax number is (703) 872-9306.



Chandrika Prasad
Primary examiner
April 19, 2004